

**REMARKS**

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-26 are presently active in this case.

In the outstanding Office Action, Claims 1-3, 6, 7, 10-13, 18 and 23 were rejected under 35 U.S.C. 102(e) as being anticipated by Robinett et al. (U.S. 6,351,474, herein referred as "Robinett").

Claims 4, 5, 8, 9, 14-17, 19-22 and 24-26 were indicated as allowable if rewritten in independent form. Applicants acknowledge with appreciation the indication of allowable subject matter. However, since the independent claims are believed to be patentably distinct over the prior art, the allowable claims are maintained in dependent form at this time.

Applicants wish to thank Examiner Schultz for the courtesy of a telephone interview granted to Applicants' representative on September 1, 2004, at which time the outstanding issues in this case were discussed. Arguments similar to the ones developed hereinafter were presented and the Examiner indicated that he would reconsider the outstanding grounds for rejection upon formal submission of a response.

In response to the rejection of Claims 1-3, 6, 7, 10-13, 18 and 23 under 35 U.S.C. § 102(e), Applicants respectfully request reconsideration of this rejection and traverse the rejection as discussed next.

Briefly recapitulating, Applicants' invention, as recited in Claim 1, relates to a method of transmitting real-time signals as digital data packets. The method includes a step of providing a first and second time stamp in each packet.

Turning now to the applied prior art, the Robinett patent discloses a method and system for remultiplexing program binary data, applicable to MPEG-2 compliant transport streams carrying video programs.<sup>1</sup> In order to encode each ES (elementary stream of the MPEG-2

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<sup>1</sup> See Robinett for example, the Abstract.

stream) in a timely and mutually synchronized fashion, the decoder extracts either PCR (program clock references), DTS (decoding time stamps) or PTS (presentation time stamps) timing information from the PED (program elementary stream packets of a MPEG-2 data stream).<sup>2</sup> The PCR, DTS and the PTS are all time instants relative to the single encoder system time clock, in other words the source time clock.<sup>3</sup>

Applicants claim a method for transmitting real-time signals as digital data packets by providing a first and second time stamp in each packet of a real time signal, and that the first time stamp indicates an elapsed time of the real-time information represented by data carried in the packet. In other words, with the present invention the first time stamp indicates how much time would be required, e. g. represented by an absolute time value, to play the information represented by the data (video, audio, combined audio-visual data, etc.) carried in the packet in real-time (for example 2 seconds of a video stream). Therefore, the first time stamp indicates exactly how much real-time data the user is going to see or hear. This time duration is independent of the decoding platform or any clock system, since it is an audio, video, or combined audio-video data stream dedicated for a human audience to be played in real-time. In this way, the first time stamp is useable to schedule dispatch of data packets in such way as to ensure that during the real time play of the information contained in data packets, each consecutive data packet arrives before the play of a previous data packet has finished.

However, in Robinett, PCR's (program clock references) are disclosed as time stamps, which are timing information relative to the encoder system time clock. Therefore, the PCR's are time instants of incrementing value, relative to the encoder system time clock. As noted above, Applicants' first time stamp represents absolute time values equivalent to the duration of the real-time representation of the packet contents (packet play time). Program clock references, as recited in Robinett, are not duration times of the play time.

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<sup>2</sup> See Robinett at column 3, line 26-43.

<sup>3</sup> See Robinett at column 3, line 22-26.

The DTS (decoding time stamps) disclosed in Robinett is timing information indicating the time, relative to the encoder system time clock, at which the next decoding unit should be decoded. Again, the DTS are time instants of incrementing value relative to the encoder system time clock. Such decoding time stamps are not duration times of the play time.

Finally the PTS (presentation time stamps) disclosed in Robinett are timing values relative to the encoding system time clock, at which the next presentation unit should be presented or displayed. The presentation time stamp can be compared to the representation time or play time of Applicants' first time stamp, however the PTS disclosed in Robinett is again an incrementing relative time value based on the encoding system time clock, and do not read on Applicants' first time stamp.

Consequently, in view of the present request for reconsideration, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-26 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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